

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

TYRONE PORTER,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:15-cv-0908-CLS-JEO
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION

This case is before the court on a petition for a writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2241.¹ The magistrate judge to whom the case was referred for preliminary review has filed a report and recommendation pursuant to 28 U.S.C. § 636(b).² The magistrate judge recommended that the action be dismissed without prejudice for lack of jurisdiction because petitioner is challenging the execution of his sentence but has failed to allege that he is confined within this judicial district.³ Petitioner was advised of his right to file objections to the report and recommendation, but no objections have been filed, and the time in which to do so has now expired.

¹ Doc. no. 1.

² Doc. no. 4.

³ *Id.*

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge's report and recommendation, the court is of the opinion that the magistrate judge's report is due to be, and it hereby is, ADOPTED, and his recommendation is ACCEPTED. Accordingly, the petition for a writ of *habeas corpus* is due to be DISMISSED WITHOUT PREJUDICE for want of jurisdiction. A separate Final Order will be entered.

DONE this 31st day of December, 2015.

A handwritten signature in black ink, appearing to read "Lynwood Smith". The signature is written in a cursive, flowing style. The first name "Lynwood" is written with a large, stylized 'L' and 'y'. The last name "Smith" is written with a large, stylized 'S' and 'm'.

United States District Judge